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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/979,532	11/19/2001	Volker Henz	112740-354	5940

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EXAMINER

TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/979,532

Applicant(s)

HENZ ET AL.

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al (5,617,471 hereinafter Rogers) found on Applicant's 1449 disclosure in view of Shaffer et al (5,825,858 hereinafter Shaffer).

Regarding claim 4. Rogers teaches a method for converting a three-party telecommunications connection which is switched ... from an operator-involved call to a subscriber only involved call. See figure 1 wherein three party connection made by USER B calling operator (i.e. USER A) to make three-party connection with USER C.

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The operator (i.e. USER A) then converts three-party connection into a two-party connection by connecting USER B to USER C (col. 2 lines 10-30) before disconnecting from connection.

Rogers does not explicitly show using tariff model for making the three-party connection into a two-party connection. However, Rogers does use intelligent decision when converting three-party connection into two-party connection (see col. 4 line 47 – col. 9 line 24 wherein database used to look-up information so as to intelligently convert three-party call into a two-party call).

Shaffer provides the hardy needed teaching that tariff data may be used in conjunction with converting three-party call into a two-party call (see abstract, col. 1 lines 42-47). Shaffer discloses using database information containing tariff data (col. 2 lines 51-60, col. 3 lines 2-12) for three party call (col. 3 lines 31-56) to achieve “optimal” connectivity thereby saving money when teleconferencing preformed (col. 4 line 5 – col. 5 line 57). Of course, Shaffer disclose other parameters contained in tariff table (see for example “time” and “resource availability” located in columns 5-9) that also facilitate efficient teleconferencing. Shaffer indeed discloses releasing sections of the three-party call (see columns 7-8 wherein original connection dropped after making teleconference connection). Shaffer even discloses that more than one database may be used to facilitate teleconferencing (col. 9 lines 7-50).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the intelligent decision as taught by Rogers to include tariff data as taught by Shaffer for the benefit of converting three-party connection into

two-party connection by using "optimal" teleconference connection based upon tariff, time and traffic related data.

Regarding claim 5. Rogers teaches connecting the lines to common telecommunication switching office (see long distance carrier switching office appearing in abstract, figures 1-12, col. 2 lines 1-29 used in teleconference connections between users A-C).

Regarding claim 6. Rogers does not explicitly show choosing the least cost route to which the second subscriber line is connected.

Shaffer provides the hardy needed teaching that tariff data may be used in conjunction with converting three-party call into a two-party call (see abstract, col. 1 lines 42-47). Shaffer discloses using database information containing tariff data (col. 2 lines 51-60, col. 3 lines 2-12) for three party call (col. 3 lines 31-56) to achieve "optimal" connectivity thereby saving money when teleconferencing preformed (col. 4 line 5 – col. 5 line 57). Of course, Shaffer disclose other parameters contained in tariff table (see for example "time" and "resource availability" located in columns 5-9) that also facilitate efficient teleconferencing. Shaffer indeed discloses releasing sections of the three-party call (see columns 7-8 wherein original connection dropped after making teleconference connection). Shaffer even discloses that more than one database may be used to facilitate teleconferencing (col. 9 lines 7-50).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the intelligent decision as taught by Rogers to include

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tariff data as taught by Shaffer for the benefit of converting three-party connection into two-party connection by using "optimal" teleconference connection based upon tariff, time and traffic related data.

Conclusion

Response to Arguments

2. Applicant's arguments with respect to claim 4 have been considered but are moot in view of the new ground(s) of rejection.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600